

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JOHN DOE

v.

**TEXAS A&M UNIVERSITY-
KINGSVILLE & MARK HUSSEY
in his official capacity as President
of TEXAS A&M UNIVERSITY-
KINGSVILLE**

§
§
§
§
§
§
§
§
§

**CIVIL ACTION NO. 2:21-cv-257
JURY**

**PLAINTIFF’S UNOPPOSED FIRST AMENDED MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE TO DEFENDANTS’ MOTION TO DISMISS**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COMES Plaintiff, John Doe, filing this, his *Plaintiff’s Unopposed First Amended Motion for Extension of Time to File Response to Defendants’ Motion to Dismiss*, and showing unto the Court the following:

1. On November 30, 2021, Defendants filed their *Defendants’ Motion to Dismiss and Response to Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction* (hereinafter *Defendants’ Motion to Dismiss*). (D.E. 27).
2. On December 3, 2021, Defendants filed their *Defendants’ Unopposed Sealed Motion for Leave to File Evidence Under Seal as Exhibit 1 to Motion to Dismiss and Response to Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction* (DKT 27).
On December 7, 2021, this Court granted said motion. (D.E. 31).
3. On December 17, 2021, the Parties filed their *Joint Motion for Entry of Confidentiality and Protective Order*, wherein the Parties requested that before any necessary exhibits would be provided to the undersigned by Defendants, that the Court enter a protective order concerning same. On December 20, 2021, this Court granted said motion. (D.E. 33).

4. On December 21, 2021 (the date on which Plaintiff's response to *Defendants' Motion to Dismiss* would typically be due), Defendants provided Plaintiff with a link to secure a copy of the exhibits pertaining to *Defendants' Motion to Dismiss*.
5. Based on such and various other reasons, Plaintiff filed on December 27, 2021, his *Plaintiff's Unopposed Motion for Extension of Time to File Response to Defendants' Motion to Dismiss*. On January 3, 2022, this Court granted said motion and extended the deadline for Plaintiff to respond to *Defendants' Motion to Dismiss* to January 4, 2022.
6. For two reasons, the undersigned has not been able to complete a review of the recording the subject of this case and/or complete the responsive briefing. The first and apart from a plethora of motion responses filed (in matters before this court and others) before the filing of *Plaintiff's Unopposed Motion for Extension of Time to File Response to Defendants' Motion to Dismiss*, is that following the filing of same, and apart from numerous other daily tasks and work, the undersigned was involved in the following endeavors: 1) reviewing a 2,500+ page record before researching, drafting, finalizing and filing (on December 30, 2021) an appeal (and necessary documents related thereto) in the Thirteenth Court of Appeals (Cause No. 31-21-00079-CV); 2) preparing all necessary pretrial documents originally due January 3, 2022, for a trial in federal court scheduled to begin January 11, 2022, in the Southern District of Texas (said trial was reset January 3, 2022) (Civil Action No. 6:18-cv-00112); 3) filing (on December 29, 2021) - pursuant to a Court order - an amended federal complaint in a civil rights case in the Northern District of Texas (Civil Action No. 4:21-cv-00597); and 4) preparing for a temporary injunction hearing scheduled in Rockport for January 5, 2022 (Cause No. 210725 in the 343rd Judicial District Court, Aransas County, Texas). Secondly, there is the issue of the breadth of *Defendants'*

Motion to Dismiss, which encompassed not only issues concerning the temporary injunction, but also those pertaining to the merits of the pleadings under Rules 12(b)(1) and 12(b)(6).

7. Until yesterday afternoon, the undersigned had planned on filing a request to move the injunction hearing a to a later date due to the trial slated to be tried before Judge Tipton in Victoria. While such trial was moved (thereby removing any conflict for the date of injunction hearing), the undersigned still has a concern with completing the response as explained above. Because the parties do not want to delay the hearing any further, Plaintiff is requesting that his response to *Defendants' Motion to Dismiss* be extended as follows:

- a) as to that portion concerning the temporary restraining order and preliminary injunction (beginning p. 33), by two (2) days to January 6, 2022; and
- b) as to those portions concerning 12(b)(1) issues (beginning p. 11) and 12(b)(6) issues (beginning p. 17), by seventeen (17) days to January 21, 2022.

8. The undersigned counsel contacted counsel for Defendants and they are unopposed to both the filing of this motion and the relief requested herein.

WHEREFORE PREMISES CONSIDERED, Plaintiff respectfully prays that the Court grant his *Plaintiff's Unopposed First Amended Motion for Extension of Time to File Response to Defendants' Motion to Dismiss* and extend Plaintiff's time to file his response to *Defendants' Motion to Dismiss* as noted above, and for further relief, either at law or in equity, to which he may be justly entitled.

Respectfully submitted,

GALE LAW GROUP, PLLC
525 Clifford St.
Corpus Christi, Texas 78404
Mailing Address:

P.O. Box 2591
Corpus Christi, Texas 78403
Telephone: (361)808-4444
Telecopier: (361)232-4139

By: /s/ Christopher J. Gale
Christopher J. Gale
Southern District Bar No. 27257
Texas Bar No. 00793766
Email: Chris@GaleLawGroup.com
Attorney-In-Charge for Plaintiff

By: /s/ Amie Augenstein
Amie Augenstein
Southern District Bar No. 2236723
Texas Bar No: 24085184
Email: Amie@GaleLawGroup.com
Attorney for Plaintiff

NOTICE OF ELECTRONIC FILING

The undersigned counsel hereby certifies that he has electronically submitted for filing a true and correct copy of the above and foregoing in accordance with the Electronic Case Files System of the Southern District of Texas on the 4th day of January, 2022.

/s/ Christopher J. Gale
Christopher J. Gale

CERTIFICATE OF CONFERENCE

The undersigned counsel hereby certifies that he conferred with counsel for Defendant County regarding this motion. Counsel indicated on behalf of Defendant County that they are unopposed to both the filing of this motion and to the relief requested herein.

/s/ Christopher J. Gale
Christopher J. Gale

CERTIFICATE OF SERVICE

I hereby certify that on this the 4th day of January, 2022, the above and foregoing was sent to the following counsel of record by the means indicated below:

Benjamin Lyles
Assistant Attorney General
Office of the Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548

Via E-File Notification
& By Email: Benjamin.Lyles@oag.texas.gov

/s/ Christopher J. Gale
Christopher J. Gale